

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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In the matter of	)	
	)	D.T.E. 03-128
NEW ENGLAND POWER COMPANY	)	
	)	
_____	)	

CITY OF SALEM'S MOTION TO SUPPLEMENT THE RECORD

Now Comes the City of Salem ("City") and respectfully requests the Department to allow the record to be supplemented to include the attached article in the record of proceedings. In support of its Motion, the City states as follows:

1. The issue before the Department is whether NEP is entitled to a zoning exemption in accordance with M.G.L. c. 40A, §6.
2. In order to obtain said zoning exemption, NEP must prove that its proposed is needed and that the project is reasonably necessary for the convenience or welfare of the public.
3. The attached news release was made available to the public on September 7, 2004, two months after the conclusion of the hearing on NEP's petition. (Exhibit A).
4. As stated in the news release, Dominion has reached an agreement to purchase three USGen New England power plants, including the Salem power plant facility in question.
5. The acquisition by Dominion of the Salem Harbor power plant and its continued operation are crucial information which was unavailable at the time of the hearing as it impacts NEP's assertions regarding the adequacy of the power supply to this region and that the proposed improvements are needed and are reasonably necessary for the public convenience.
6. Therefore, this new information, is vitally important to the Department's assessment of NEP's petition for a zoning exemption as it directly affects whether NEP meets the standards necessary for an exemption.
7. No party is prejudiced as a result of the supplementation of the record as this information was unavailable at the time of the hearing.

Wherefore, the City respectfully requests that the Department grant its Motion to Supplement the Record.

Respectfully submitted,  
MURPHY, HESSE, TOOMEY & LEHANE, LLP  
Attorneys for City of Salem

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CERTIFICATE OF SERVICE

I, Stacey G. Bloom, do hereby certify that a copy of the foregoing Motion to Continue Hearing was served by hand to the parties listed below. The Motion to Supplement the Record has also been electronically filed with the Department via email.

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Date

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Stacey G. Bloom

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